California Regional Water Quality Control Board
Lahontan Region

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Arnold Schwarzenegger
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To: Interested Persons

CLARIFICATIONS AND ADDITIONAL INFORMATION ON THE DRAFT SQUAW CREEK SEDIMENT TOTAL MAXIMUM DAILY LOAD (TMDL) BASIN PLAN AMENDMENTS AND SCOPING OF THE ENVIRONMENTAL DOCUMENT

Introduction

On January 26, 2005, Regional Board staff conducted a scoping meeting to collect public input regarding potential physical environmental effects that may result from adopting Basin Plan Amendments that incorporate the Squaw Creek Total Maximum Daily Load (TMDL) for sediment. At the meeting, there was considerable discussion on the nature of the "project" and how potential environmental effects could be evaluated without knowing the specific implementation measures that might be required by the TMDL. This letter is intended to clarify the nature of the project (Basin Plan Amendments) and the sequence of public review required by CEQA and the Regional Board's Basin Planning process.

The Project and Scoping Meeting Requirements

The Water Quality Control Plan for the Lahontan Region (the Basin Plan) includes regulatory provisions for the protection of water quality in the Region. The Basin Plan Amendments themselves will not directly cause any physical change in the environment. Nor will those amendments require any specific actions that will result in such changes. Instead, actions by others to comply with the Basin Plan Amendments may eventually result in physical changes in the environment, depending upon what actions those people eventually choose.

As described at the January 26th scoping meeting, the proposed TMDL Basin Plan Amendments will identify the maximum allowable loading of sediment to Squaw Creek and will describe a general plan to implement needed reductions in sediment loading to meet the allowable loading, or TMDL. The Regional Board is required by CEQA to conduct an environmental analysis of the reasonably foreseeable methods of compliance with the proposed TMDL. The level of review required in the environmental document is governed by California Public Resources Code Section 21159, which identifies a "programmatic" level analysis, rather than a "project" level (i.e., detailed) analysis.

We recognize that the public is interested in the specific projects that will be implemented in the watershed to comply with the TMDL. Regional Board staff does not know what specific projects might be undertaken to comply with the TMDL; we are only aware of the general nature of such projects, i.e., projects to control erosion, reduce sediment transport to Squaw Creek, and restore the stream function and habitat. In fact, the Regional Board is precluded from telling any given

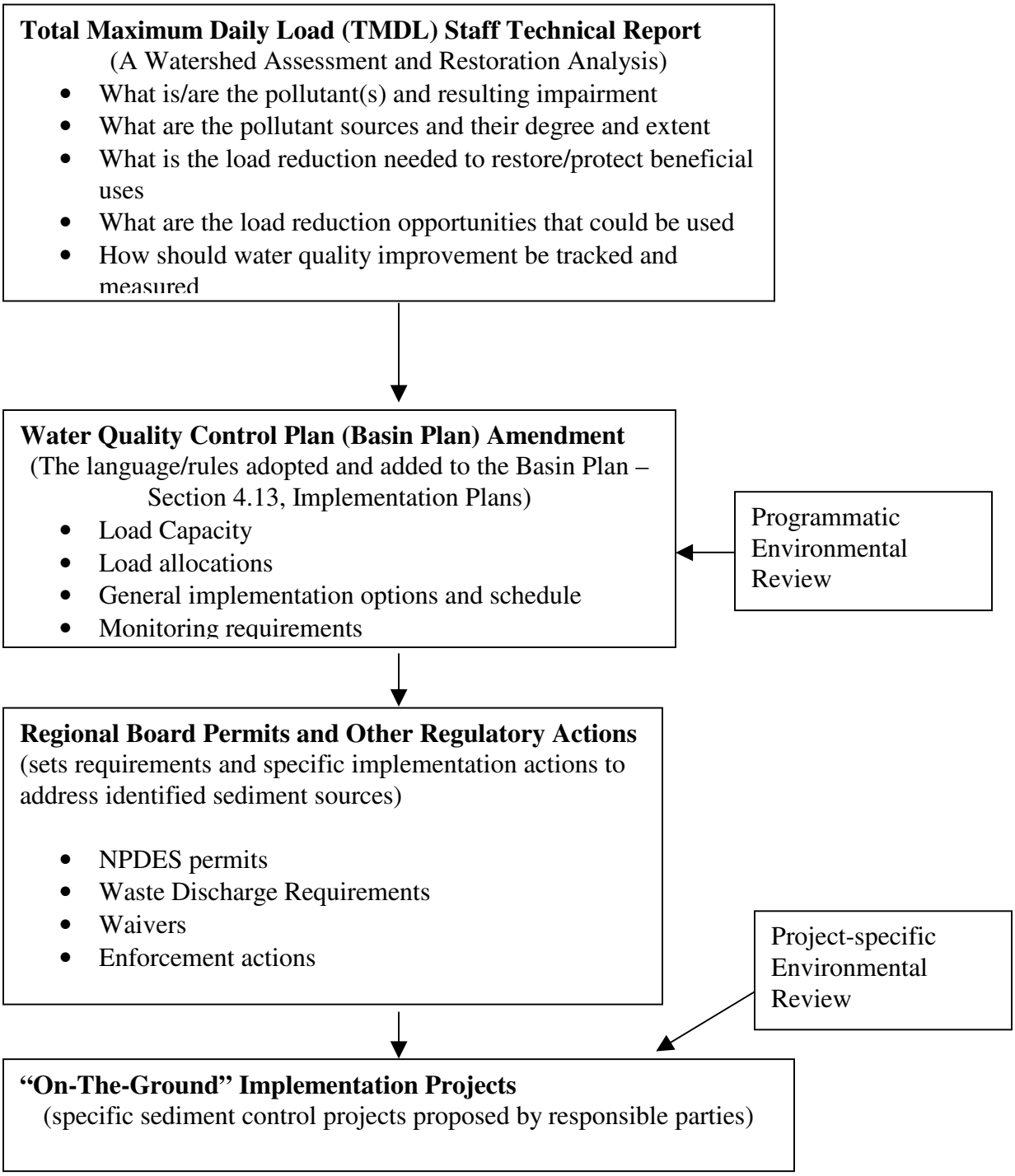
property owner or manager how to best achieve the reduction (per California Water Code §13360). Compliance may be achieved by any number of actions selected and implemented by the landowners and property managers within the watershed. Environmental analysis of specific projects will be conducted, as required by Public Resources Code Section 21159.2, when those projects are proposed to the appropriate lead agencies, such as when a permit is sought for their construction.

Discussion

The Basin Plan Amendments for the Squaw Creek TMDL will be a plan-level, or programmatic document that requires responsible parties (landowners and managers) to plan and implement sediment discharge reduction measures. Our approach to evaluating the reasonably foreseeable impacts of adopting the Basin Plan Amendments generally includes identifying potential impacts associated the earth moving or land disturbance activities associated with typical projects to control erosion, reduce sediment transport, and restore streams.

We conducted the scoping meeting to help us identify other concerns that may be important to our environmental review and to the TMDL document. Based on this information and other assessments, we will produce draft Basin Plan Amendments, final draft TMDL and an associated environmental analysis document for public review and comment. Technical documents and information used to develop the TMDL will also be available for review. Once released, the public review period will be at least 45 days, and the public is encouraged to provide comments on these documents. Our responses to comments will be provided and a final Basin Plan Amendment package will be brought before the Regional Board for consideration.

The following diagram is provided to help illustrate the environmental review process associated with adopting the Basin Plan Amendments and the specific sediment control projects that must be implemented subsequent to adopting the Basin Plan Amendments.



An example implementation plan for the Basin Plan Amendments to be considered is also provided below to help illustrate the "programmatic" nature of the TMDL and how specific implementation actions will be developed and implemented by dischargers for sources that may be in their control.

Example Implementation Plan

Source Category	Implementation Action	Timeline
Graded Ski Runs	• Produce a topographic map showing all ownership boundaries and existing graded ski run locations. • Provide an accounting of existing BMPs.	1 Year after final approval of the TMDL.
	• Develop a graded ski run management and maintenance plan that describes how, where and in what order of priority ski run erosion controls, including, but not limited to, source controls will be implemented and maintained. Ten percent of the total load reduction needed to meet load allocations shall be achieved from graded ski runs and disturbed slopes each year, or until 100 percent of the load reduction is met, whichever comes first.	2 Years after final approval of the TMDL.
	• Fully implemented BMPs.	12 Years after final approval of the TMDL.
	• Submit an annual report to Regional Board staff that describes all erosion control and implementation actions taken in the previous year.	Starting 1 year after final approval of the TMDL and ongoing.
Dirt Roads	• Produce a baseline inventory describing the cumulative tally of miles of dirt road by landowner, average widths of the road system and the density and roaded area of unpaved roads. Include a topographic map (80 foot contour intervals) showing all ownership boundaries, existing dirt road locations and comparative widths (single track or double track), drainages and drainage crossings. • Provide an accounting of existing BMPs.	1 Year after final approval of the TMDL.
	• Develop a dirt road management and maintenance plan that describes how, where and in what order of priority road BMPs, including, but not limited to, source controls and road density/roaded area reduction, will be implemented and maintained. Ten percent of the total load reduction needed to meet load allocations shall be achieved from dirt roads each year, or until 100 percent of the load reduction is met, whichever comes first.	2 Years after final approval of the TMDL.
	• Fully implemented BMPs.	12 Years after final approval of the TMDL.
	• Submit an annual report to Regional Board staff that describes all erosion control and implementation actions taken in the previous year.	Starting 1 year after final approval of the TMDL and ongoing.
Paved Roads	• Establish baseline data for the amount of road sand applied and recovered. • Provide an accounting of existing BMPs.	1 Year after final approval of the TMDL.
	• Produce a waste road sand management plan that describes how road sand reduction and/or recovery will be achieved and include tracking of those actions.	2 Years after final approval of the TMDL.
	Submit an annual report to Regional Board staff that describes all implementation actions and road sand recovery efforts taken and improvements made in the previous year. Include the number of days that road sanding occurred.	Starting 1 year after final approval of the TMDL and ongoing.
Alluvial Channel Erosion	• Implement education programs, alternatives to hard bank protection, retain woody material, increase riparian vegetation.	Ongoing based on funding and resource availability.

We look forward to your continued interest and input on the Squaw Creek sediment TMDL and the associated Basin Plan amendment process. If you have questions, please contact me at (530) 542-5460 or Ccurtis@waterboards.ca.gov.

Sincerely,

/s/

Chuck Cutis
Manager, Planning and Toxics Division